

## **REMARKS**

### **ALLOWABLE CLAIMS**

Applicants acknowledge with appreciation the allowance of claims 24-27.

Claims 5-7, 14, 16-18 and 20 were objected to as being dependent upon a rejected base claim, but were deemed allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claim. Claims 5, 7, 14, 16 and 20 are hereby recast in independent form. Claims 6 and 7 depend from amended claim 5, and claims 17 and 18 depend from amended claim 16.

Thus, claims 5-7, 14, 16-18, 20 and 24-27 are believed to now be in allowable form.

### **CLAIM REJECTIONS**

Only claims 1-4, 8-13, 15, 19, 21 and 22 were rejected on the merits in the aforementioned Office action. Claims 1, 19, 21 and 22 were rejected as obvious in light of Hu (U.S. Pat. No. 6,679,073) and Yamada et al. (U.S. Pat. No. 6,148,633), and claims 2-4, 8-13 and 15 were rejected as obvious in view of Hu, Yamada et al. and Reznikov (U.S. Pat. No. 5,553,457).

Applicants believe that the combination of these references do not make obvious the concept of a combination clear ice refrigerator unit of claim 1 or the more specific structures of the other rejected claims. Among other things, the art fails to suggest a combined twin evaporator refrigeration system that is suitable to produce both clear ice and refrigeration, or that the separate systems could be so combined to arrive at such a device.

Further, the invention of these claims pre-dates the priority date of the Hu reference. Enclosed is a declaration from the named inventors stating that the claimed invention was in fact conceived of and actually reduced to practice prior to March 14, 2003.

Applicants wish to point out that if another reference is cited in place of the Hu reference in a further Office action, that action should be given non-final status since such a new ground for rejection would not have been necessitated by amendment on the part of the applicants. And, should it become necessary,

applicants anticipate filing one or more affidavits from at least one inventor attesting to secondary considerations of non-obvious. It is the applicants' belief that the invention of the rejected claims should not be deemed obvious because it fills a long standing void in the industry and because it has received a positive response from both consumers and industry spectators.

CONCLUSION AND FEES

All pending claims (claims 1-27) are now believed to be in allowable form. Reconsideration and allowance of the rejected claims is thus respectfully requested.

A 1-month time extension petition is enclosed herewith and authorization to charge the associated fee is given therein. No other fees are believed due for consideration of this response, however, any other fees deemed necessary in connection with this response should be charged to Deposit Account 17-0055.

Respectfully submitted,

Thomas W. Rand, et al.

By: 

Steven J. Wietrzny

Reg. No. 44,402

Attorney for Applicant

Quarles & Brady LLP

411 East Wisconsin Avenue

Milwaukee, WI 53202

(414) 277-5415